1	Edmund G. Brown Jr.	•
2	Attorney General of California ARTHUR D. TAGGART	· ,
3	Supervising Deputy Attorney General ELENA L. ALMANZO	
4	Deputy Attorney General State Bar No. 131058	
5	1300 I Street, Suite 125 P.O. Box 944255	
	Sacramento, CA 94244-2550	
6	Telephone: (916) 322-5524 Facsimile: (916) 327-8643	
7	Attorneys for Complainant	
8	•	
9	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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13	In the Matter of the Accusation Against:  DONNA R. RAY, aka	Case No. 2010 - 563
14	DONNA KINNE-BOBEDA, aka	
15	DONNA RUTH RAY, aka DONNA RUTH KINNE, aka	ACCUSATION
16	DONNA BOBEDA 8260 Iroquois Trail	
17	Stagecoach, NV 89429	
18	Registered Nurse License No. 221641	
19	Public Health Nurse License 17958	
20	Respondent.	·
21		
22	Complainant alleges:	
23	PARTIES	
24	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her	
25	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department	
26	of Consumer Affairs.	
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#### License History

- 2. On or about February 29, 1972, the Board of Registered Nursing issued Registered Nurse License Number 221641 to Donna Kinne-Bobeda, also known as Donna Ruth Ray, Donna R. Ray, Donna Ruth Kinne, and Donna Bobeda ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2011, unless renewed.
- 3. On or about February 15, 1972, the Board of Registered Nursing issued Public Health Nurse License Number 17958 to Donna Kinne-Bobeda, also known as Donna Ruth Ray, Donna R. Ray, Donna Ruth Kinne, and Donna Bobeda ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2011, unless renewed

### **JURISDICTION**

- 4. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.
- 5. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 6. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
- 7. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

#### STATUTORY PROVISIONS

8. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct . . . .
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.
- 9. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- (c) Be convicted of a criminal offense involving the prescription, consumption, or self administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

#### COST RECOVERY

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

# FIRST CAUSE FOR DISCIPLINE

#### (Criminal Conviction)

11. Respondent is subject to disciplinary action under Code section 2761, subdivision (f), in that on or about October 4, 2006, in the Superior Court of California, County of El Dorado, in the case entitled, *People of the State of California v. Donna Ruth Kinne* (Super Ct. El Dorado County, 2006, Case No. S06CRM1471), Respondent was convicted on her plea of no contest of

violating Vehicle Code section 23152, subdivision (b) ( (Drive While Having .08% or More Blood Alcohol Content [.15%], with Special Allegation of Vehicle Code section 23578 (BAC .15% and Higher), a misdemeanor. Such crime is substantially related to the qualifications, functions, and duties of a registered nurse.

The circumstances of the crime are that on or about August 20, 2006, a California Highway Patrol officer responded to a traffic collision involving a moving vehicle and a parked vehicle. After arriving at the traffic scene, the officer conducted a field sobriety test on Respondent who collided with the parked vehicle. The officer determined Respondent was under the influence of alcoholic. Respondent was transported to the El Dorado County Jail for chemical testing and booking.

#### SECOND CAUSE FOR DISCIPLINE

## (Criminal Conviction Involving the Consumption of Alcohol)

12. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in that Respondent was convicted of a crime involving the consumption of an alcoholic beverage, as set forth in paragraph 11, above.

#### THIRD CAUSE FOR DISCIPLINE

# (Use an Alcoholic Beverage to the Extent or in a Manner Dangerous or Injurious to Herself or Others)

13. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that on or about October 4, 2006, Respondent consumed alcoholic beverages to an extent or in a manner dangerous or injurious to herself or others, as set forth paragraph 11, above.

#### **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision: